

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

**LISA MENDENALL,
PLAINTIFF**

vs.

**UNUM LIFE INSURANCE CO.
OF AMERICA,
DEFENDANT**

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CIVIL ACTION NO. 5:15-cv-_____

JURY

COMPLAINT

NOW comes LISA MENDENALL, hereinafter referred to as “**PLAINTIFF**” and for her **COMPLAINT** against **UNUM LIFE INSURANCE COMPANY OF AMERICA**, hereinafter referred to as “**DEFENDANT**” states, alleges and says the following, to-wit:

A. PARTIES

1. Plaintiff is an individual resident of Texarkana, Bowie County, Texas. Defendant UNAM Life Insurance Company of America is a life insurance company incorporated in a state other than Texas, but is authorized to do business in the state of Texas and, in fact, issued an employer provided life insurance policy double indemnity coverage in the amount of \$90,000 in the event of death caused by accident. The life insurance made the basis of this suit was issued upon the life of Loyd Russell Mendenall, husband at the time of death of the Plaintiff. The Plaintiff was the sole beneficiary under the terms of the policy #9045940.

B. JURISDICTION
(Federal Question)

2. This Honorable Court has jurisdiction and venue of the Parties and subject matter of this suit under 29 U.S.C. §1132(a)(1)(A) and (B), (Employee Retirement Income Security Act “ERISA”) Venue is proper in this court because the Life Insurance Plan provided under the Employer initiated plan is administered in the Eastern District of Texas where Plaintiff resides. Upon proper service of the defendant, this honorable court shall have jurisdiction and venue over the parties and subject matter of this suit.

C. Conditions Precedent

3. All conditions precedent have been performed or have occurred.

D. Facts

4. Plaintiff is the widow of Loyd Russell Mendenall, who died on July 26, 2013 as a direct result of an automobile accident and the injuries sustained in said accident. Loyd Russell Mendenall, at the time of his death and prior thereto, was an employee of Gregg Orr Auto Collection, a group of companies of which Orr Motors of Ashdown, Inc. d/b/a Orr Classic Chevrolet, located at 941 N. Constitution Avenue, Ashdown, AR 71822 is a division, subsidiary or affiliated company. A life insurance group policy #47193 was purchased and issued to Loyd Russell Mendenall on his life in the amount of \$90,000, and, in addition, an Accidental Death and Dismemberment Insurance policy was issued as additional coverage on his life in the amount of \$90,000. Plaintiff was the named beneficiary under both policies.
5. The Plaintiff timely and properly filed claims under both coverages on or about August 9, 2013 for the death which occurred on July 26, 2013. The Defendant wrongfully denied

benefits under the Accidental Death and Dismemberment Insurance coverage.

6. As a result of the failure to pay the benefits to the Plaintiff as a result of the accidental death directly and proximately caused by the injuries sustained in the automobile accident on July 26, 2013, Plaintiff is entitle to judgment in the amount of \$90,000.00, plus such other relief as provided under the Accidental Death and Dismemberment Insurance Policy and as provided under law.

E. DAMAGES

7. Plaintiff prays for judgment in the amount of \$90,000.00 under the terms of the insurance policy, prejudgment interest from July 26, 2013 until judgment is entered in this case.

G. ATTORNEY FEES

8. Plaintiff is entitled to an award of attorney fees and costs for breach of the contract of insurance in violation of the terms thereof.

H. PRAYER

9. Wherefore, premises considered, Plaintiff pray for judgment against the Defendant in the amount of \$90,000;
10. For pre-judgment interest;
11. For post-judgment interest;
12. Attorney's fees,
13. Cost of court herein expended and all other just and proper relief, both legal and equitable, to which plaintiffs may show themselves to be entitled.

Respectfully submitted,

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David J. Potter, Lead Counsel
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JURY DEMAND

_____Plaintiff hereby give notice of her demand for jury.



David J. Potter
Attorney for Plaintiff